

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice-Chairman
Walter C. Zaremba
Sheila S. Noll
Kenneth L. Bowman

On motion of _____ which carried _____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-81-04 TO AMEND SECTIONS 24.1-306, TABLE OF LAND USES, 24.1-466, STANDARDS FOR ALL RETAIL USES, 24.1-467, STANDARDS FOR CONVENIENCE STORES, 24.1-475, STANDARDS FOR ALL MOTOR VEHICLE AND TRANSPORTATION RELATED USES, 24.1-477, STANDARDS FOR AUTO FUEL DISPENSING ESTABLISHMENTS, SERVICE STATIONS AND AUTO REPAIR GARAGES, AND 24.1-478, STANDARDS FOR CAR WASHES OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO ADJUST THE PROCEDURES UNDER WHICH CERTAIN USES ARE PERMITTED AND THE PERFORMANCE STANDARDS APPLICABLE TO THOSE USES

WHEREAS, as a result of the efforts and recommendations of the Route 17 Revitalization Committee, it has come to the attention of the Board of Supervisors that certain uses can, particularly if abandoned, have a detrimental impact on the economic vitality and appearance of commercial corridors; and

WHEREAS, the Route 17 Revitalization Committee has recommended that the procedures for permitting certain automobile related uses be examined and that appropriate performance standards be developed to ensure that such uses, if permitted, will continue to be positive elements of the commercial corridors in which they are located; and

WHEREAS, in recognition of these recommendations, the Board of Supervisors has sponsored Application No. ZT-81-04 to allow certain proposed amendments to be considered; and

WHEREAS, the application has been referred to the Planning Commission for review and recommendation in accordance with applicable procedures and the Commission has recommended approval of the amendments; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on the application and has considered the comments and recommendations received from the public and the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of _____, 2004, that it does hereby approve Application No. ZT-81-04 to amend Sections 24.1-306, 24.1-466, 24.1-467, 24.1-475, 24.1-477, and 24.1-478 of the Zoning Ordinance (Chapter 24.1, York County Code) to read as follows

Section 24.1-306 Table of land Uses

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
							DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
CATEGORY 10 - COMMERCIAL / RETAIL ¹														
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P			
2. Wearing Apparel Store							P	P	P		P			
3. Appliance Sales									P		P			
4. Auction House								P	P		S			
5. Convenience Store							S	S	SP		S			
6. Grocery Store							P		P		P			
7. Book, Magazine, Card Shop							P	P	P		P			
8. Camera Shop, One-Hour Photo Service							P	P	P		P		P	
9. Florist							P	P	P		P		P	
10. Gifts, Souvenirs Shop								P	P		P			
11. Hardware, Paint Store								P	P		P	P	P	
12. Hobby, Craft Shop								P	P		P			
13. Household Furnishings, Furniture									P		P			
14. Jewelry Store								P	P		P			
15. Lumberyard, Building Materials									S			P	P	
16. Music, Records, Video Tapes								P	P		P			
17. Drug Store							S	S	P		P			
18. Radio and TV Sales								S	P		P			
19. Sporting Goods Store								P	P		P			
20. Firearms Sales and Service								S	S		S			
21. Tobacco Store								P	P		P			
22. Toy Store								S	P		P			
23. Gourmet Items/Health Foods/Candy/ Specialty Foods/Bakery Shops							P	P	P		P			
24. ABC Store								P	P		P			
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S	
26. Office Equipment & Supplies								P	P		P	P	P	
27. Pet Store							S	P	P		P			
28. Bike Store, Including Rental/Repair							P	P	P		P		P	
29. Piece Goods, Sewing Supplies							P	P	P		P			

30. Optical Goods, Health Aids or Appliances								P	P		P		P
31. Fish, Seafood Store									P	P	P		
32. Department, Variety, Discount Store									P		P		
33. Auto Parts, Accessories (new parts)								P	P		P		
34. Second Hand, Used Merchandise Retailers (household items, etc.) a) without outside display/storage b) with outside display/storage								P S	P S				
35. Storage shed and utility building sales/display									S			P	P
36. Home Improvement Center											P		

¹See Section 24.1-466(g) for special provisions applicable to developments with 80,000 or more square feet of gross floor area.

* * *

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 12 – MOTOR VEHICLE / TRANSPORTATION												
USES													
1. Car Wash								S	<u>PS</u>		S		
2. Automobile Fuel Dispensing Establishment/ Service Station (May include accessory convenience store and/or car wash)									<u>PS</u>		S	<u>PS</u>	
3. Auto Repair Garage									S			P	P
4. Auto Body Work & Painting												P	P
5. Auto or Light Truck Sales, Rental, Service (<u>New or vehicles w/incidental used vehicles sales</u>) (Including Motorcycles or R.V.'s) a) Without Auto Body Work & Painting b) With Body Work & Painting									<u>PS</u>		S	P	P
<u>5a. Used Vehicle Sales</u>									<u>S</u>		S	S	P
6. Heavy Truck and Equipment Sales, Rental, Service									S			P	P
7. Farm Equipment Sales, Rental, Service									S			P	P
8. Manufactured Home Sales, Rental, Service									S			S	S
9. Boat Sales, Service, Rental, and Fuel Dispensing									P	P		S	
10. Marine Railway, Boat Building and Repair										P		P	P
11. Truck Stop												S	S
12. Truck Terminal												P	P
13. Heliport									S		S	S	S
14. Helipad									S		S	P	P
15. Airport											S	S	S
16. Bus or Rail Terminal									P		S	P	P
17. Taxi or Limousine Service									P			P	
18. Towing Service / Auto Storage or Impound Yard												S	<u>S</u>
19. Automobile Graveyard, Junkyard													S
20. Bus Service/Repair Facility												P	P

* * *

DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10)

Sec. 24.1-466. Standards for all commercial and retail uses.

- (a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') ~~[7.5m]~~ from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.
- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.
- (f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') ~~[12m]~~ unless the district in which the use is located allows a lesser setback for the principal structure.
- (g) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a commercial or retail operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.
- (hg) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

Sec. 24.1-467. Standards for convenience stores.

- (a) Convenience stores may have access only to streets classified as major collectors or a higher order.
- (b) A traffic impact analysis must be performed in accordance with the requirements of article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (c) Deliveries to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.
- (d) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.
- (e) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a convenience store operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.

**DIVISION 11. MOTOR VEHICLE AND TRANSPORTATION RELATED USES
(CATEGORY 12)**

Sec. 24.1-475. Standards for all motor vehicle and transportation related uses.

- (a) All off-street parking and loading space for motor vehicle and transportation related uses shall be located not less than thirty-five feet (35')~~+10.5m]~~ from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemental, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.

- (c) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
- (d) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') ~~[12m]~~ unless the district in which located allows a lesser setback for the principal structure. All lighting mounted on or under canopies shall be full-cutoff or recessed fixtures. No signage shall be attached to the canopy.
- (e) Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in section 24.1-242(c).
- (f) Landscape plans for motor vehicle and transportation related uses shall be prepared and certified by a Virginia certified landscape architect.
- (g) A hazardous materials management and stormwater runoff control plan detailing the methods to be employed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources shall be prepared, submitted to, and approved by the health department, the department of environmental and development services and department of public safety prior to receiving site plan approval for such uses.
- (h) No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.

Sec. 24.1-477. Standards for auto fuel dispensing establishments, service stations and auto repair garages.

Automobile fuel dispensing establishments, service stations, and auto repair garages shall comply with the following standards:

- (a) Automobile service and minor repairs shall be deemed to include engine tuneups, oil changes and lubrication, and the repair or installation of mufflers, tailpipes, exhaust pipes, catalytic converters, brakes, shock absorbers, tires, batteries, and similar automotive components as determined by the zoning administrator. Repairs specifically shall not include body work and painting.
- (b) All repair or installation work shall be conducted indoors. Used or damaged equipment removed from vehicles during the repair process shall be stored indoors

or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.

- (c) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term (ninety (90) days or more) storage and parking of vehicles which require major repair work shall be permitted.
- (d) Landscaping supplemented by fencing if necessary shall be utilized to fully screen vehicular storage areas and to partially screen direct views of fuel islands, structures, and service bays from adjacent properties and rights-of-way. The plan to accomplish this shall be designed and prepared by a certified landscape architect.
- (e) A traffic impact analysis must be performed in accordance with the requirements for same contained in article II. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (f) No logo, brand name, or sign which is legible from adjacent public roads may be placed on pumps or pump islands.
- (g) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') ~~7.5m~~ in height.
- (h) In the event the fuel dispensing activity ceases at the automobile fuel supply establishment, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such fuel dispensing activity ceases. In the event the fuel dispensing activity remains inactive for a period in excess of twelve ~~nine~~ (12) ~~(9)~~ months, the owner/operator shall be responsible for performing the following:
 - 1. the tanks, tanklines, fueling equipment (including the gas pumps and fueling islands) shall be removed; all applicable state and federal environmental protection and mitigation requirements shall be observed in the removal and site restoration process;
 - 2. the canopy shall be removed;
 - 3. ~~any~~ inactive accessory car wash equipment associated with the fuel dispensing activity and the structure surrounding same shall be removed;
 - 4. the real property in or on which the improvements listed in subsection (1), (2), and (3) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either

as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.

The requirement to remove the above-noted equipment may be stayed for a maximum of six (6) months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six (6) month period. In the event such contract lapses, the removal requirement shall be immediately reinstated.

- (i) The requirement to remove pumps, tanks, canopies and other appurtenances listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such tanks, pumps, canopies and other prescribed appurtenances within ninety (90) days of notice by the County and grant authority to the County to perform such work at the property owner's cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.

Sec. 24.1-478. Standards for car washes.

Car washes, whether a principal or accessory use, shall comply with the following standards:

- (a) Car washes shall utilize a low-volume water recycling system which provides for an average of at least eighty percent (80%) recycled water per wash.
- (b) A traffic impact analysis must be performed in accordance with the requirements in article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (c) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') ~~[7.5m]~~ in height.
- (d) In the event the car wash activity, whether it is the principal or accessory use of the property, ceases operation, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such activity

ceases. In the event the car wash activity remains inactive for a period in excess of ~~nine (9)~~ twelve (12) months, the owner/operator shall be responsible for performing the following:

1. all car wash equipment and the structure surrounding same shall be removed;
2. the real property in or on which the improvements listed in subsection (1) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.

The requirement to remove the above-noted equipment may be stayed for a maximum of six (6) months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six (6) month period. In the event such contract lapses, the removal requirement shall be immediately reinstated.

- (e) The requirement to remove the car wash equipment and surrounding structure listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such equipment/structure within ninety (90) days of notice by the County and grant authority to the county to perform such work at the property owner's cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.
